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8 **UNITED STATES DISTRICT COURT**

9 **NORTHERN DISTRICT OF CALIFORNIA**

10 **(San Jose Division)**

11 CHARLES N. PEREZ,) Case No.: C07-05690 PVT
12 Plaintiff,)
13 v.) [PROPOSED] ORDER ON
14) PLAINTIFF'S EX PARTE
15) APPLICATION FOR TEMPORARY
16) RESTRAINING ORDER AND ORDER
17) TO SHOW CAUSE RE
18) PRELIMINARY INJUNCTION
19) ENJOINING EVICTION OF
20) CHARLES PEREZ
21)
22) Hearing Date: November 28, 2007, or as
soon as this matter may be heard
Time: 9:00 a.m., or as soon as this matter
may be heard
Courtroom: 5
Judge: Magistrate Judge Patricia Trumbull

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[PROPOSED] ORDER ON PLAINTIFF'S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER AND
OSC RE PRELIMINARY INJUNCTION ENJOINING EVICTION OF CHARLES PEREZ
C07-05690 PVT

[PROPOSED] ORDER

TO DEFENDANTS EMERGENCY HOUSING CONSORTIUM, INC., EHC
BUILDERS, and MONTEREY TERRACE APARTMENTS AND THEIR OFFICERS,
ANTS, SERVANTS, EMPLOYEES AND ALL PERSONS ACTING IN ACTIVE CONCERT
ARTICIPATION WITH THEM:

On November 2007, plaintiff Charles Perez (hereinafter "Mr. Perez") appeared for a hearing on his *Ex Parte* Application for a Temporary Restraining Order and an Order to Show Cause why a preliminary injunction should not issue. Based upon the declarations served and filed therewith, and other supporting memoranda, evidence and argument from counsel, and the entire record in this case, and good cause appearing therefore,

1. Mr. Perez's application is hereby GRANTED:

2. The Court hereby **ORDERS** that Defendants, show cause before this Court, in Courtroom 5, on (date) _____, at (time) _____, or as soon thereafter as counsel may be heard, why a preliminary injunction should not be issued herein enjoining these Defendants and their officers, agents, servants, employees and all persons acting in active concert or participation with them from:

(a) Proceeding with a state court eviction action against Mr. Charles Perez pending the resolution of his Federal Court lawsuit;

3. Mr. Perez shall serve Defendants with this Order to Show Cause and all supporting papers by 5:00 p.m. Pacific Daylight Time on (date) _____. Proof of such service shall be filed and delivered in the manner provided by Civil Local Rule 5-5;

4. The Court further ORDERS that Defendants and their officers, agents, servants, employees and all persons acting in active concert or participation with them are hereby ENJOINED AND RESTRAINED, pending hearing on the above Order to Show Cause, from:

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2 (a) Proceeding with any state court eviction action against Mr. Perez or from otherwise
3 commencing or attempting to commence any other eviction proceeding against Mr. Perez.
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5. The following briefing schedule shall apply:

6 (A) Defendants shall serve any papers in opposition to Mr. Perez's *Ex*
7 *Parte* Application for Temporary Restraining Order and Order to Show Cause on Mr. Perez's
8 counsel on or before _____, 2007;

9 (B) Mr. Perez shall serve any papers in reply on or before _____,
10 2007.

11 **IT IS SO ORDERED.**

12 DATED:

13 _____, 2007
14 Magistrate Judge Patricia V. Trumbull
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